

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID E. KATES,

Petitioner,

v.

J.E. THOMAS, *et al.*,

Respondents.

CIVIL ACTION NO. 3:12-CV-2270

(JUDGE CAPUTO)

ORDER

NOW this 5th day of February, 2013, after consideration of the Magistrate Judge's Report and Recommendation (Doc. 4), **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 4) is **ADOPTED**.
- (2) Petitioner David Kates's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 3) is **GRANTED**.
- (3) Petitioner David Kates's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
- (4) The Clerk of Court is directed to **TERMINATE** all other pending motions.
- (5) The Clerk of Court is directed to mark the case as **CLOSED**.

/s/ A. Richard Caputo

A. Richard Caputo
United States District Judge